

UNITED STATES DISTRICT COURT  
EASTERN DISTRICT OF MICHIGAN  
SOUTHERN DIVISION

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BIRCH LEVEN ENGINEERING INC,  
a Michigan corporation,

Plaintiff,

v

DEPARTMENT OF VETERANS AFFAIRS,

Defendant.

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Case No.2:22-cv-10616  
Hon. Paul D. Borman

**COMPLAINT TO QUIET TITLE**

NOW COMES the Plaintiff, BIRCH LEVEN ENGINEERING INC, a Michigan corporation, by and through its attorneys, Conlin, McKenney & Philbrick, P.C., and for its Complaint to Quiet Title against the Department of Veterans Affairs, states as follows:

**INTRODUCTION**

- 1) Plaintiff owns real property located in the City of Detroit, Wayne County, Michigan, commonly known as 18924 Russell, Detroit, Michigan 48203 (the “Deeded Premises”). *See Exhibit 1.*
- 2) Defendant retains a recorded interest Deeded Premises. *See Exhibit 2.*

PARTIES, JURISDICTION AND VENUE

- 3) Plaintiff incorporates by reference the above allegations.
- 4) Plaintiff is a Michigan corporation with its principal place of business at 1300 Seven Mile Detroit, Michigan 48203.
- 5) Jurisdiction is proper in this Court pursuant to 28 US Code § 1331.
- 6) Venue is proper in this Court pursuant to 18 U.S.C. § 1391, because the property that is the subject of this action is located in Wayne County, Michigan.

COMMON ALLEGATIONS

- 7) Plaintiff incorporates by reference the above allegations.
- 8) Plaintiff obtained fee title via a Quit Claim Deed from Liberty Temple Evangelical Church, Inc., a Michigan non-profit corporation, dated July 15, 2020, recorded on August 3, 2020, in Liber 55893, Page 675, in the office of the Register of Deeds for Wayne County, Michigan. A copy of the quit claim deed is attached as ***Exhibit 3*** and contains the following legal description of certain real property located in the City of Detroit, County of Wayne, and State of Michigan, to-wit:

**Lot 451, Cadillac Heights Subdivision, as recorded in Liber 33,  
Page 81 of Plats, Wayne County Records.**

Commonly known as: 18924 Russell, Detroit, Michigan 48203

Tax Identification Number: 09020689

(the “Deeded Premises”).

- 9) Since Plaintiff acquired fee title to the Deeded Premises in 2020, Plaintiff has occupied and treated as its own all that land within its lot lines.
- 10) Before Plaintiff, its predecessors-in-title, Liberty Temple Evangelical Church, Inc. similarly treated the entire Deeded Premises as its own and paid assessments against the Premises.
- 11) Plaintiff has diligently attempted to discover all persons and entities who may claim an interest in the Deeded Premises and has commissioned and paid for a title search to that end which produced the attached chain of title. *See Exhibit 2.*
- 12) The title search indicates that Defendant retains an interest in the Deeded Premises pursuant to a Special Warranty Deed, recorded in Wayne County Records at Liber 20782, Page 352. *Exhibit 2.*
- 13) Based upon information and belief, Plaintiff and its predecessors-in-interest, Liberty Temple Evangelical Church, Inc., have possessed the Deeded Premises exclusively since 1992.

#### **COUNT I—QUIET TITLE**

- 14) Plaintiff incorporates by reference the above allegations.
- 15) On information and belief, the Defendant did not intend to retain for itself any portion of the Deeded Premises to which Plaintiff seeks to quiet title in this action.

16) Based upon information and belief, Defendant intended to record a deed conveying the Deeded Premises to Harold E. Tanner and Wildred E. Tanner, as husband and wife (collectively the “Tanners”).

17) The Tanners conveyed their interest to Liberty Temple Church, on April 20, 1992 via a quit claim deed recorded Wayne County Records at Liber 25732, Page

**22. *Exhibit 2.***

18) Plaintiff is the fee owner of the Deeded Premises, as set forth above. *See Exhibit 1.*

WHEREFORE Plaintiff respectfully requests:

- a) That title to Deeded Premises described in this complaint be Plaintiff’s in fee simple absolute and that title to the property be forever quieted by this judgment;
- b) That Plaintiff’s title is a valid title against Defendant and all persons claiming under Defendant;
- c) That this Honorable Court award Plaintiff its actual and statutory attorney fees, interest at the highest legal rate, and court costs;
- d) For such other relief or further relief as shall be agreeable to equity and good conscience.

CONLIN, MCKENNEY & PHILBRICK, P.C.  
Attorneys for Plaintiffs,

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Dated: March 23, 2022